

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

David G. MALONE

Application No.: 10/812,837

Group No.: 3732

Filed: 03/30/2004

Examiner: Unknown

Confirmation No.: 3121

For: Devices and methods for facilitating controlled bone growth or repair

MAIL STOP AMENDMENT **Commissioner for Patents** P.O. Box 1450

Alexandria, VA 22313-1450

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

List of Sections Forming Part of This Information Disclosure Statement

The following sections are being submitted for this Information Disclosure Statement:

- 1. Preliminary Statements
- 2. Forms PTO/SB/08A (formerly Form PTO-1449)
- 3. Copies of Listed Information Items Accompanying This Statement
- 4. Identification of Person(s) Making This Information Disclosure Statement

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*

(When using Express Mail, the Express Mail label number is mandatory; Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

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☑deposited with the United States Postal Service in an envelope a	addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA				
22313-1450.					
37 C.F.R. § 1.8(a)	37 C.F.R. § 1.10*				
☑ with sufficient postage as first class mail.	☐ as "Express Mail Post Office to Addressee" Mailing Label No (mandatory)				
TR ☐ facsimile transmitted to the Patent and Trademark Office, (703)	RANSMISSION)				
	Mancy J. Moore Signature				
Date: September 17, 2004	Nancy J. Moore (type or print name of person certifying)				

^{*} Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

Section 1. **Preliminary statements**

Applicants submit herewith patents, publications or other information, of which they are aware that they believe may be material to the examination of this application, and in respect of which, there may be a duty to disclose.

The filing of this information disclosure statement shall not be construed as a representation that a search has been made (37 C.F.R. § 1.97(g)), an admission that the information cited is, or is considered to be, material to patentability, or that no other material information exists.

The filing of this information disclosure statement shall not be construed as an admission against interest in any manner. Notice of January 9, 1992, 1135 O.G. 13-25, at 25.

Section 2. Forms PTO/SB/08A and 08B (formerly Form PTO-1449)

Attached.

Section 3. Copies of Listed Information Items Accompanying This Statement

Legible copies of the file histories of the parent cases for this application, U.S. Application Serial No. 09/737,074, filed 12/14/2000, now abandoned, and PCT/US02/23262, filed July 23, 2002, accompany this statement.

Section 4. **Identification of Person Making This Information Disclosure Statement**

The person making this certification is:

the practitioner who signs below on the basis of the information in the practitioner's file. a.

9-17-04

Reg. No.: 41,143

Tel. No.: 918.599.0621

Customer No.: 22206

Signature of Practitioner

James F. Lea III

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Tulsa, OK 74103-3318

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PTO/SB/08a (08-03)

Approved for use through 07/31/2006. OMB 0651-0031 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Upder the Paperwork Reduction Act of 1995, no persons are required to Y Substitute for form 1449A/PTO			uired to re	Complete if Known			
				Application Number	10/812,837		
INFORMATION DISCLOSURE					Filing Date	03/30/2004	
STATEMENT BY APPLICANT				First Named Inventor	David G. MALONE		
(Use as many sheets as necessary)					Art Unit	3732	
					Examiner Name	Unknown	
eet		of	1		Attorney Docket Number	92030/03-701	

Sheet

			U. S. PATENT	DOCUMENTS			
Examiner Initials*	Cite No. ¹	Document Number Number-Kind Code ^{2 (if known)}	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear		
	BD	^{US-} 6,179,873 B1	01/30/2001	Zientek			
	BE	^{US-} 6,149,650	11/21/2000	Michelson			
	BF	US- 5,888,228	03/30/1999	Knothe, et al.			
	BG	us- 09/737,074	Abandoned	Malone (File History)	See previously considered claims &		
	US-				Examiner comments		
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FOREIGN PATENT DOCUMENTS								
Examiner Initials*	Cite No.1	Foreign Patent Document Country Code ³ -Number ⁴ -Kind Code ⁵ (<i>if known</i>)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶		
	ВН	PCT/US02/23262		Malone (File History)	See previously considered			
					claims & Examiner comments			

Examiner	Date		
Signature	Consi	idered	

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁸ Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Practitioner's Docket No. 92030/03-701

PATENT



Tre application of:

MALONE, David G.

Application No.: 10/812,837

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Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

TRANSMITTAL OF SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT WITHIN THREE MONTHS OF FILING OR BEFORE MAILING OF FIRST OFFICE ACTION (37 C.F.R. § 1.97(b))

IDENTIFICATION OF TIME OF FILING THE ACCOMPANYING SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

The supplemental information disclosure statement submitted herewith is being filed within three months of the filing date of the application or date of entry into the national stage of an international application or before the mailing date of a first Office action on the merits, whichever event occurs last. 37 C.F.R. § 1.97(b).

Date: 9-17-04

James F. Lea III, Reg. No. 41,143

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278346.1

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a)

I hereby certify that, on the date shown below, this correspondence is being deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 with sufficient postage as first class mail.

Mancy & Moore

Date: September 17, 2004

Nancy J. Moore

(type or print name of person certifying)